

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JESSE EARL FORD,

Defendant-Appellant.

UNPUBLISHED

February 12, 1999

No. 203919

Saginaw Circuit Court

LC No. 96-013117 FH

Before: Smolenski, P.J., and Saad and Gage, JJ.

MEMORANDUM.

Defendant was convicted by a jury of assault with intent to commit criminal sexual conduct involving sexual penetration, MCL 750.520g(1); MSA 28.788(7)(1), and sentenced to a term of three to ten years' imprisonment. Defendant appeals as of right. We affirm.

The trial court did not abuse its discretion in denying defendant's motion for a new trial. See, generally, *People v Lemmon*, 456 Mich 625; 576 NW2d 129 (1998). Defendant's assertion that the trial court improperly calculated the sentencing guidelines does not constitute a cognizable claim on appeal. See, generally, *People v Raby*, 456 Mich 487; 572 NW2d 644 (1998).

Affirmed.

/s/ Michael R. Smolenski

/s/ Henry William Saad

/s/ Hilda R. Gage